A perspectiva dos Direitos humanos

exemplos da resposta à aids

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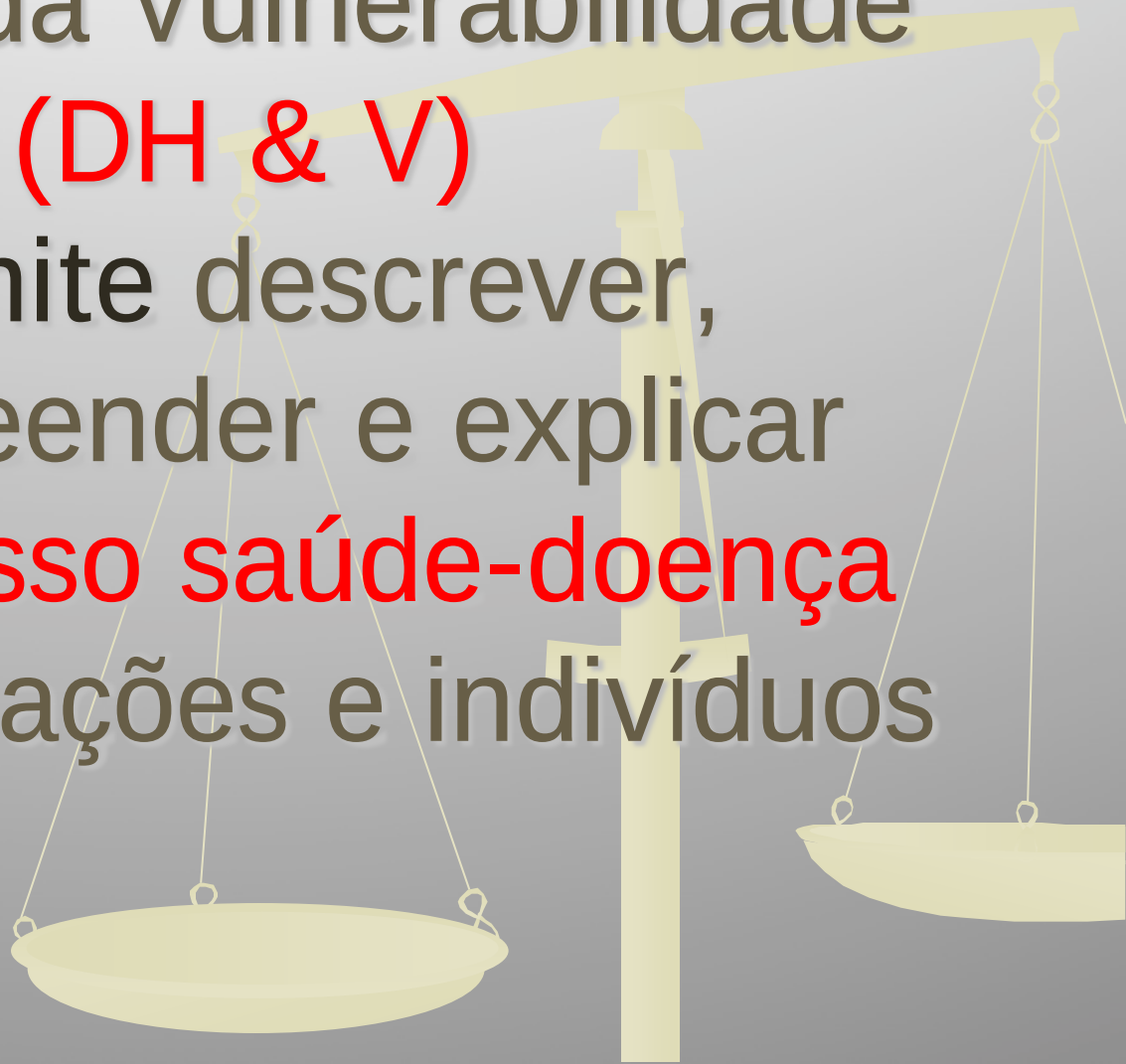
2015

Abordagem dos DDHH

a. Teoria
b. Técnica
c. Prática

Direitos Humanos informa a análise da Vulnerabilidade (DH & V) permite descrever, compreender e explicar o processo saúde-doença de populações e indivíduos



TEORIA

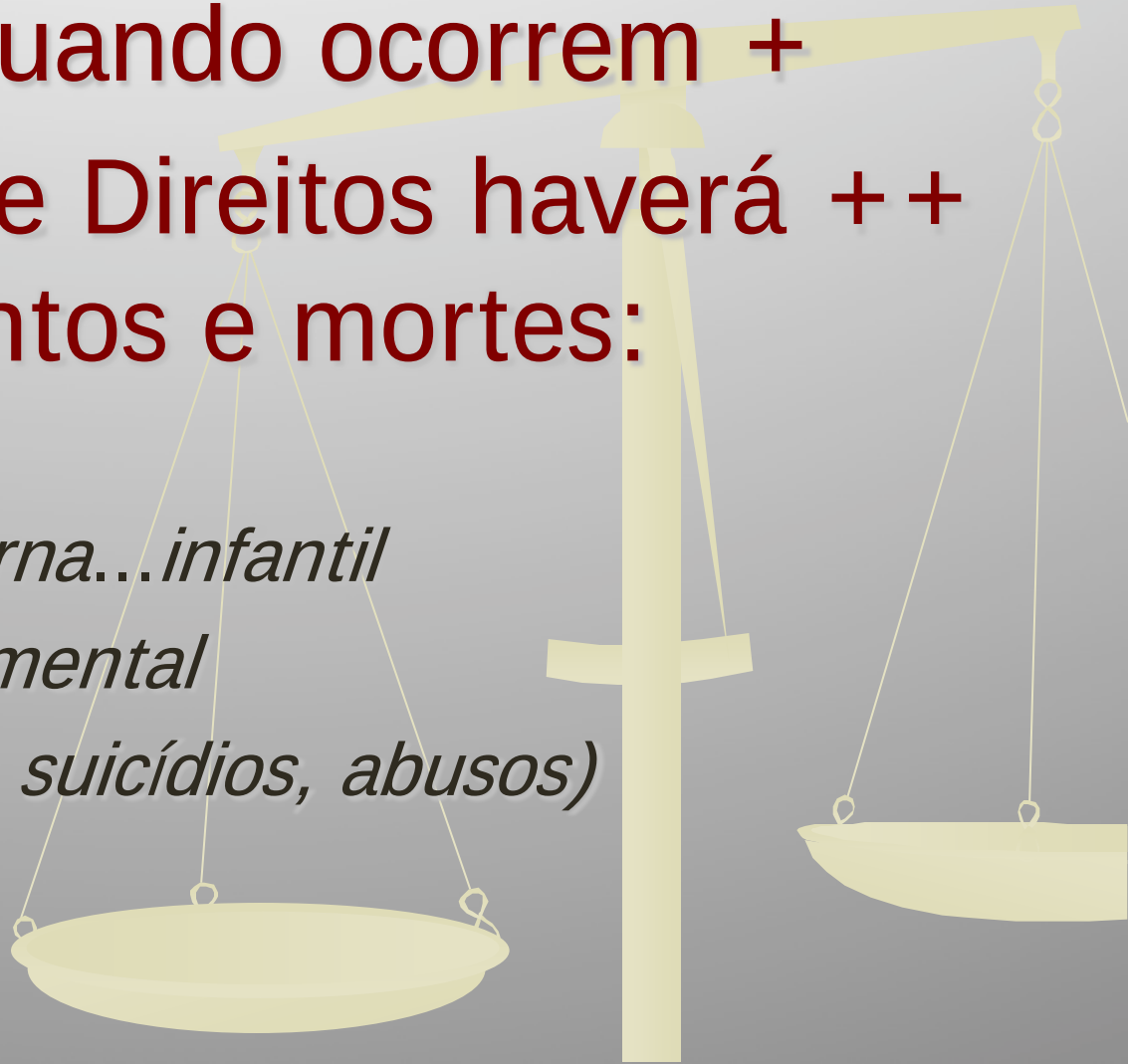
Onde & quando ocorrem + violação de Direitos haverá ++ adoecimentos e mortes:

+ Aids...

+ morte materna...infantil

+ sofrimento mental

(humilhaçao, suicídios, abusos)

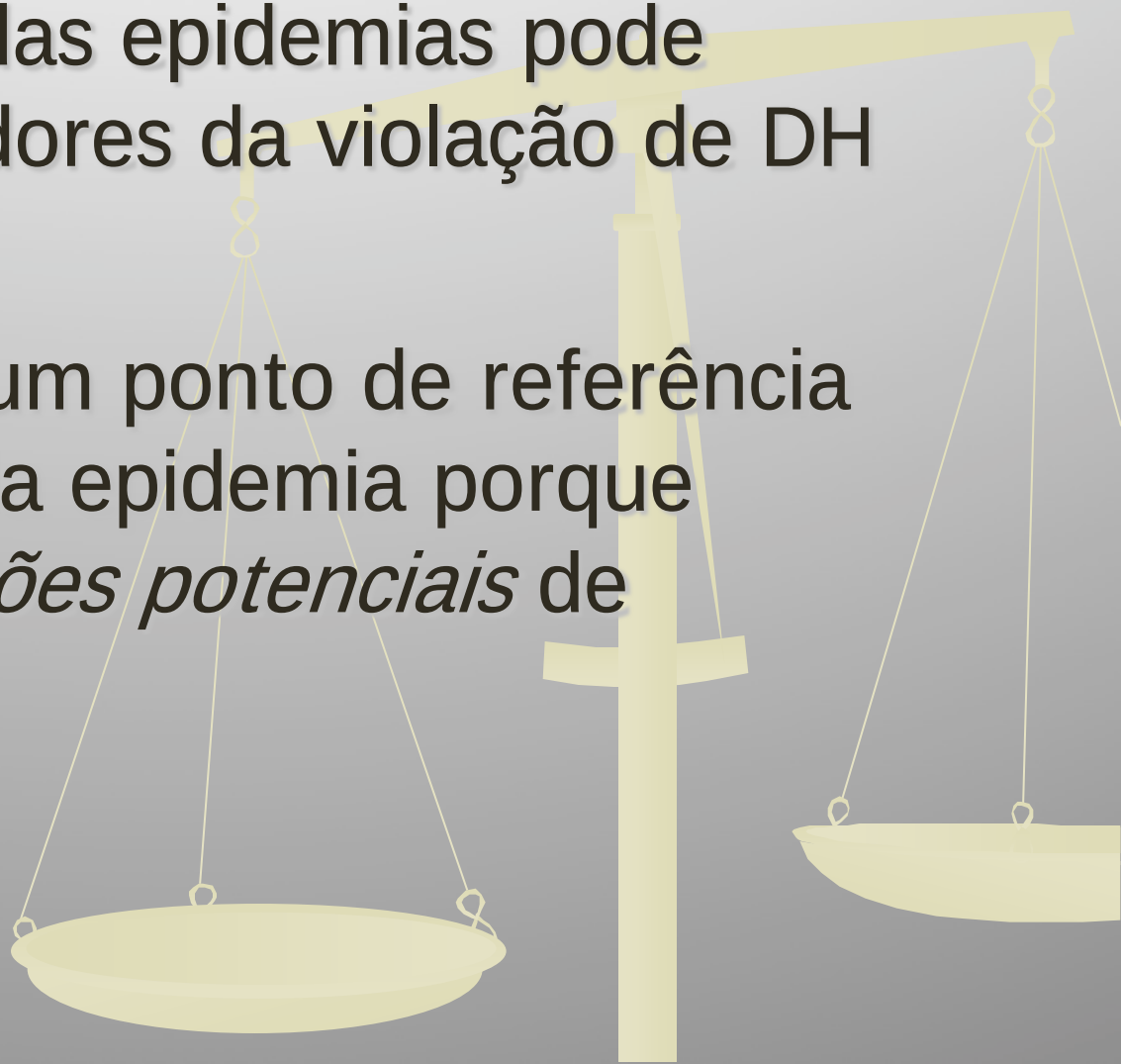


Teoria DH & V

- O crescimento das epidemias pode oferecer marcadores da violação de DH

&

- DH: oferecem um ponto de referência para a análise da epidemia porque identifica *situações potenciais* de vulnerabilidade



b. Abordagens Baseada Direitos:

*Gruskin e Tarantola, 2008, 2012

..no SUS & SUAS & Sistemas Educacionais & operadores de direito

Examinamos o quanto e como

oS governoS

regulamentam, respeitam, protegem e efetivam os direitos.

Obrigações em Direitos Humanos[3]

Obrigação do **Estado** em

Respeitar

abster-se de interferir no exercício do direito

Proteger

evitar que outros interferiram no exercício do direito

Promover

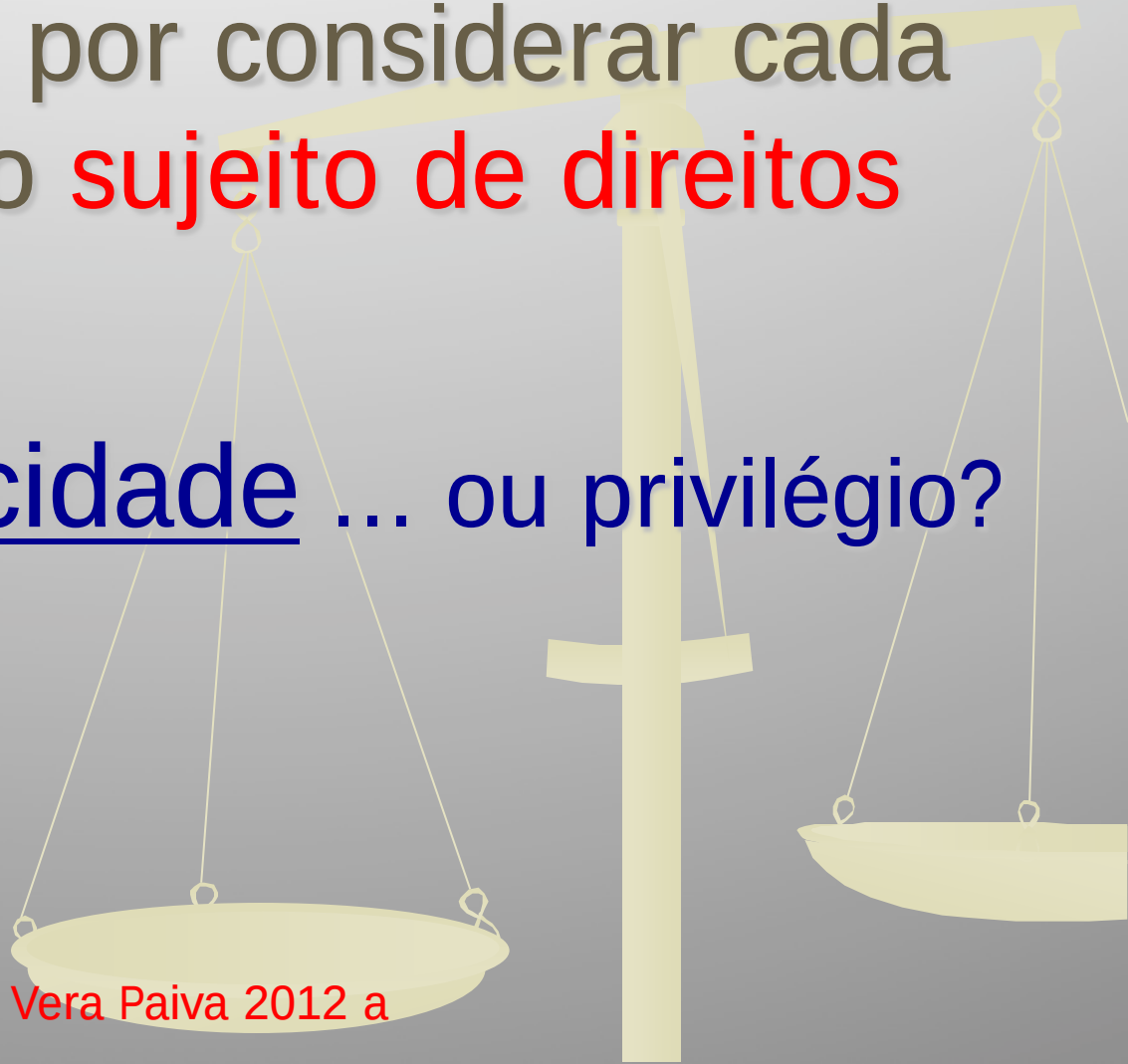
adotar medidas apropriadas visando o pleno exercício do direito

3. Gruskin e Tarantola, 2012

c. No plano das práticas

Começamos por considerar cada pessoa como sujeito de direitos

- Reciprocidade ... ou privilégio?



Não existem pessoas vulneráveis ou grupos vulneráveis *a priori*

Vulnerabilidade

de uma **pessoa**
(alguém)

- a um **agravo de saúde**
- Morte materna, abuso de álcool /drogas, DST/AIDS

em algum **contexto**

- situação, episódio,território , rede social, segmento..onde os DDHH podem ser avaliados
- PRESENÇA ou AUSÊNCIA de um programa de saúde e LEIS DISCRIMINATÓRIAS

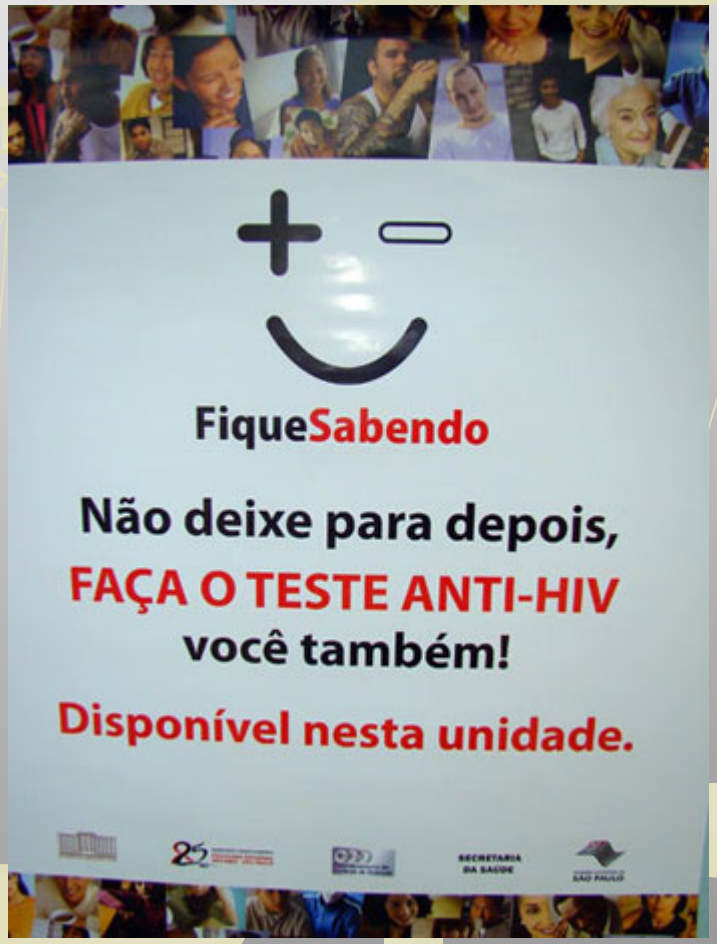
2. Exemplos & casos

2a.Há acesso desigual ao teste

se além do acesso <

o processo violar o direito à confidencialidade, o direito ao tratamento e ao aconselhamento, a pessoa soropositiva for criminalizado:

limitada eficácia na promoção do autocuidado



Violação de Direitos de Mães, Pais e seus Filhos

2b. Transmissão vertical: qual o processo?

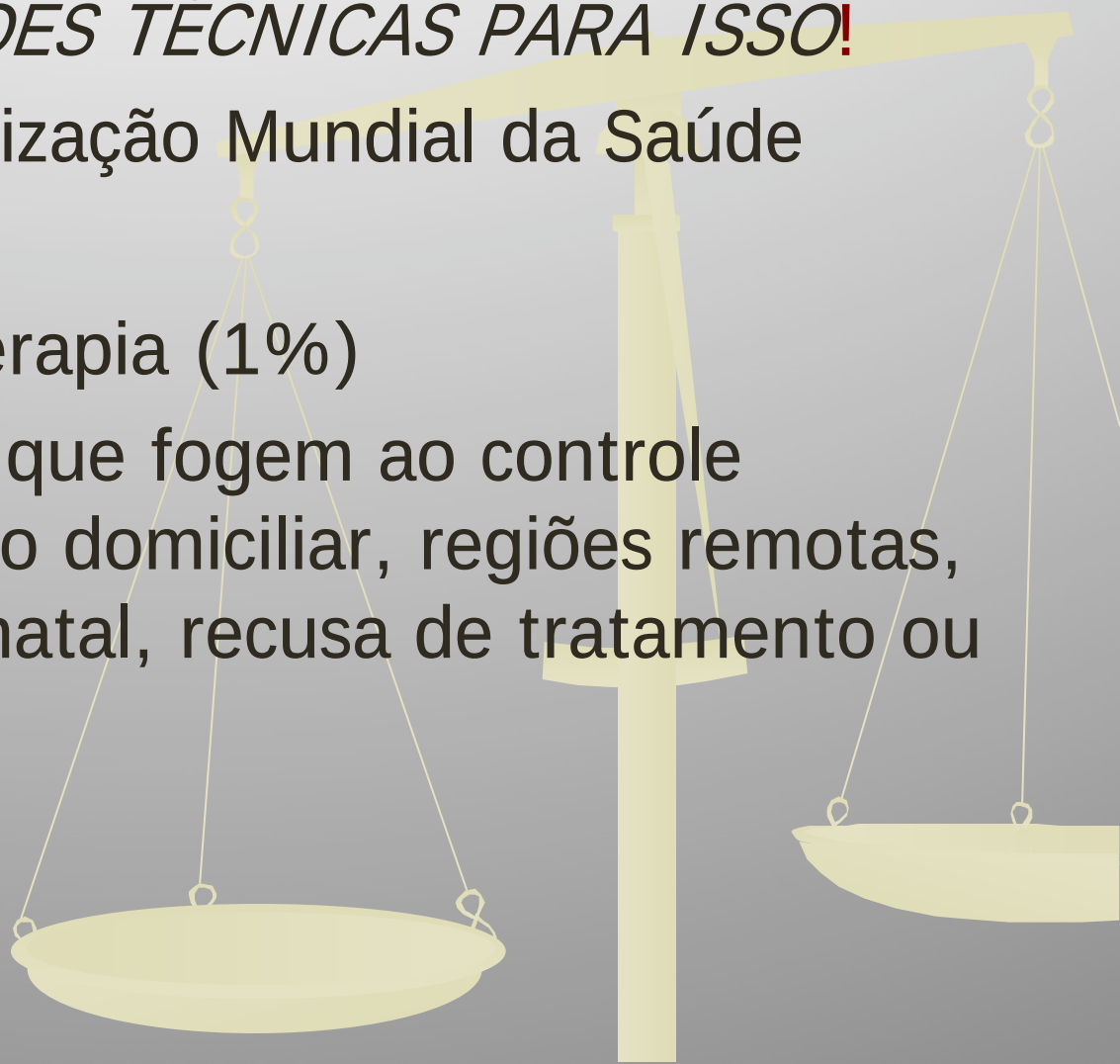
Podemos reduzir as taxas de transmissão vertical do HIV para 2%

TEMOS CONDIÇOES TÉCNICAS PARA ISSO!

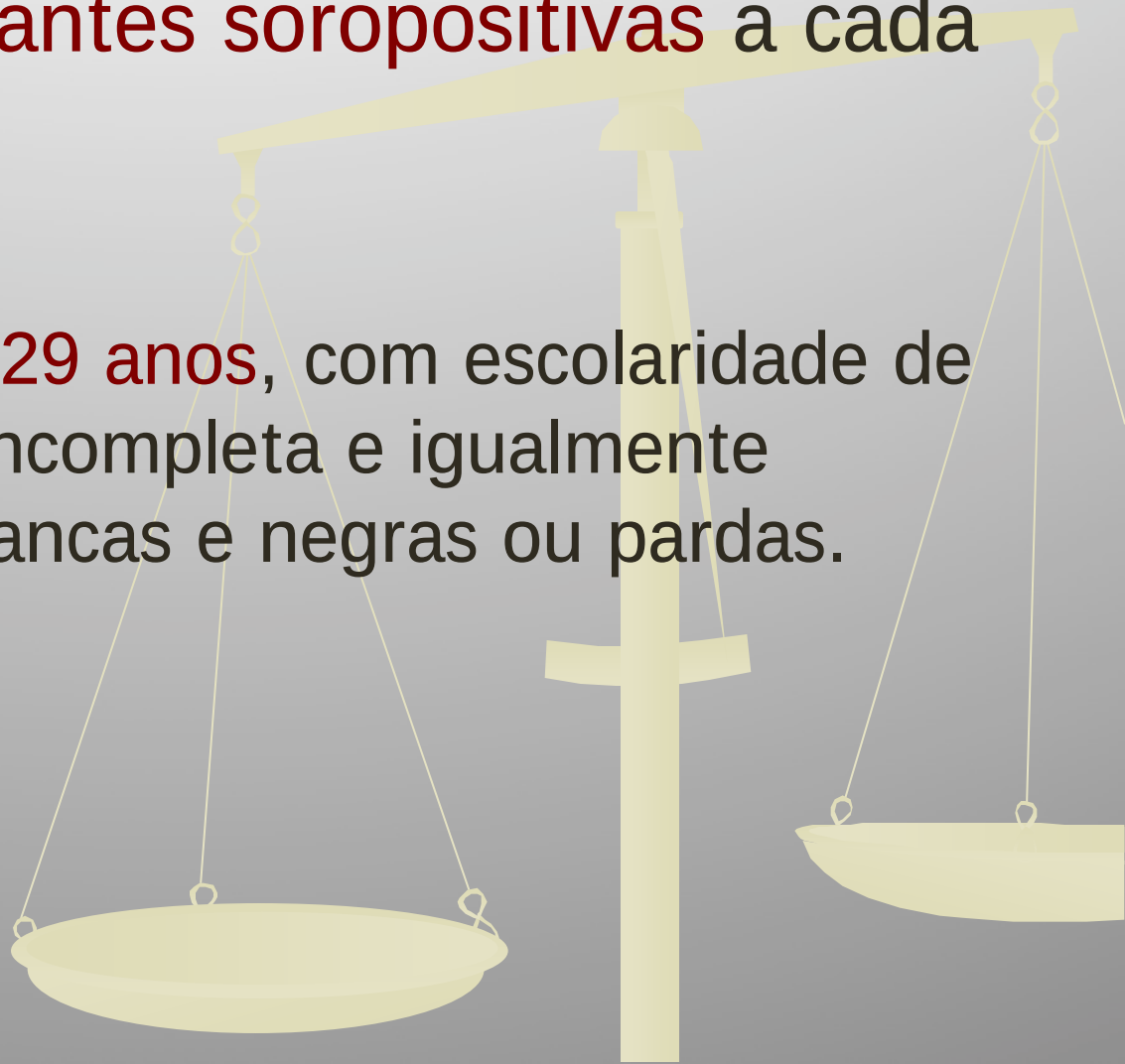
Segundo a Organização Mundial da Saúde

LIMITES

- os limites da terapia (1%)
- (1%) situações que fogem ao controle institucional (parto domiciliar, regiões remotas, ausência de pré-natal, recusa de tratamento ou testagem, etc.).



- O Ministério da Saúde estima 12.000 o número de gestantes soropositivas a cada ano no Brasil.
  - A maioria: 20 - 29 anos, com escolaridade de 5ª à 8ªa série incompleta e igualmente divididas em brancas e negras ou pardas.



Violação de DH

- não solicitação do teste anti-HIV no pré-natal;
- teste sem retorno do resultado em tempo hábil;
- poucas consultas de pré-natal;
- admissão para o parto sem resultado de teste anti-hiv, e não realização do teste rápido;
- teste positivo e não realização dos procedimentos AZT injetável e/ou AZT xarope (não ocorreu fazer, não estava disponível no momento);
- amamentação do bebê : sem orientação, não seguiu a orientação

Reparar financeiramente o dano moral e material?

- provocado pelas deficiências assistenciais dos serviços públicos, privados e filantrópicos à gestação, ao parto e ao recém nascido;
- proporcionar pensão vitalícia para fazer frente às necessidades especiais de viver com HIV/AIDS;
- a responsabilidade pelo cumprimento destas ações será das instituições públicas, privadas ou filantrópicas onde ocorreu a transmissão.

ESTAMOS BASEANDO NOSSA RESPOSTA NESSA PERSPECTIVA?

3.Quais as respostas políticas recente de governoS & parlamentoS

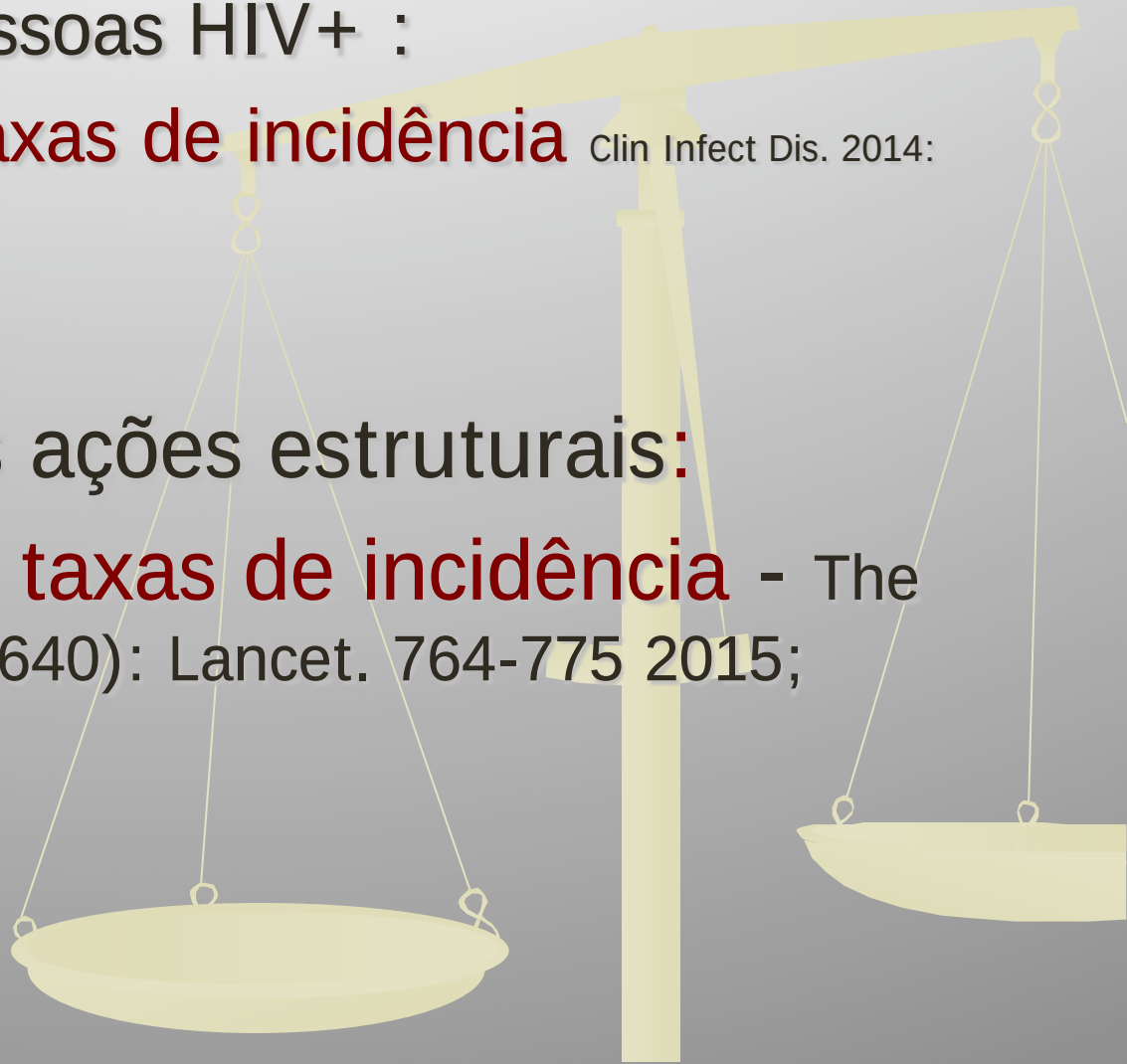
Mudanças na Política Brasileira

1. Concentração da prevenção na estratégia testar e tratar pessoas HIV+ :

reduz 16% das taxas de incidência Clin Infect Dis. 2014: 58(2): 274-284)

2. Redução das ações estruturais:

reduz 40% das taxas de incidência - The Lancet. 2008; 372(9640): Lancet. 764-775 2015; 385(9962): 72-87



3. Redução da mobilização social
"Aids sob controle"

- Redução de campanhas massivas
- Redução das campanhas contra estigma e discriminação e pela inclusão dos "humanos sem direitos"
- Redução do estímulo ao gestor local (escola, secretarias) e à solidariedade nas ações promovidas por pares
- Individualização da responsabilidade (sem contexto)

↓↓↓↓↓↓

LEIS DE CRIMINALIZAÇÃO & PREGAÇAO MORAL E RELIGIOSA já experimentadas e ineficazes

Panorama internacional

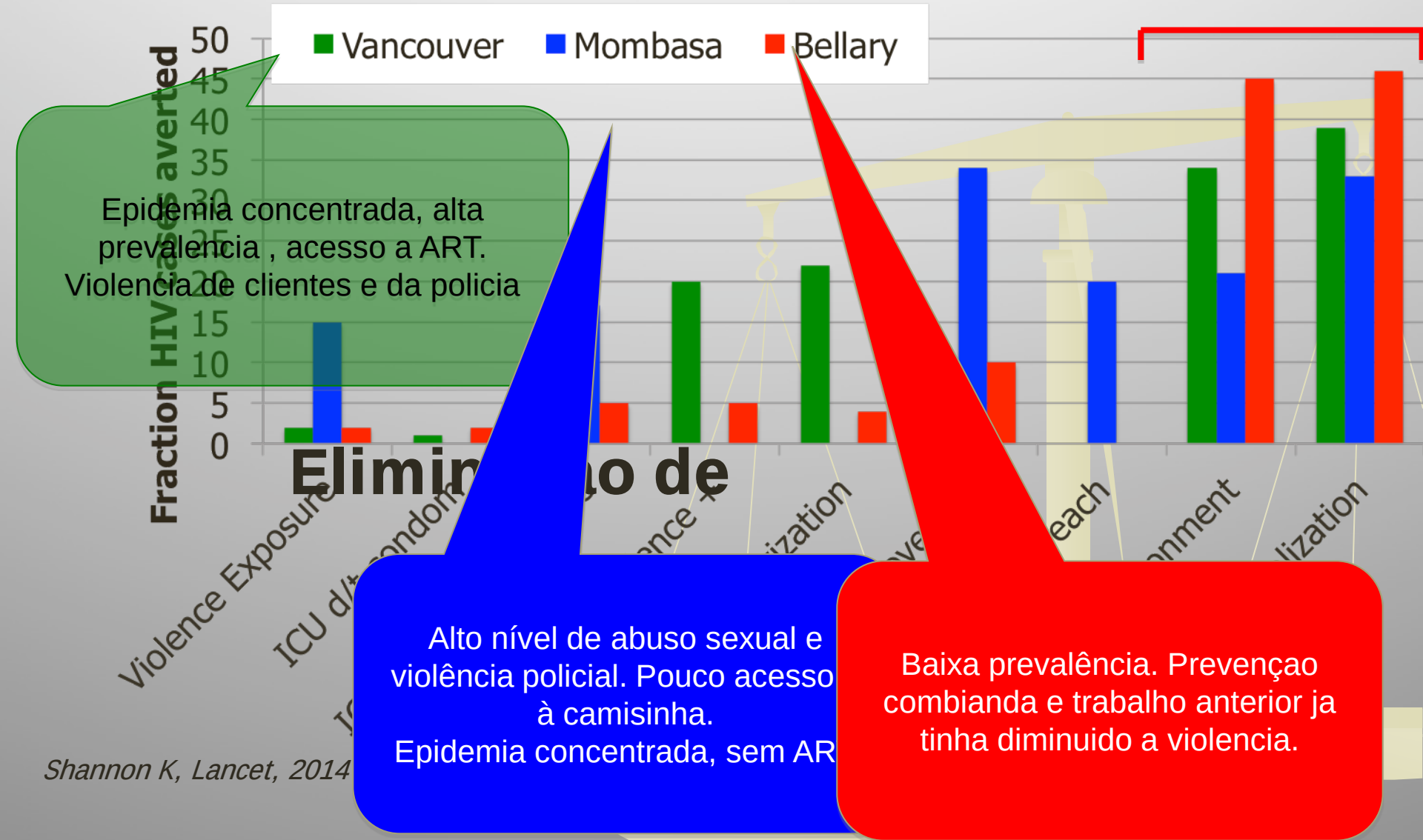
Conferência Internacional AIDS-2014:

Muitas evidências sobre o impacto negativo das leis que criminalizam e da falta de atividades em programas e pouco uso das leis que protegem da discriminação

ESPECIALMENTE ENTRE OS JOVENS

Paiva et al. Cadernos de Saúde Pública, 2015

HIV + evitadas por ações em DH



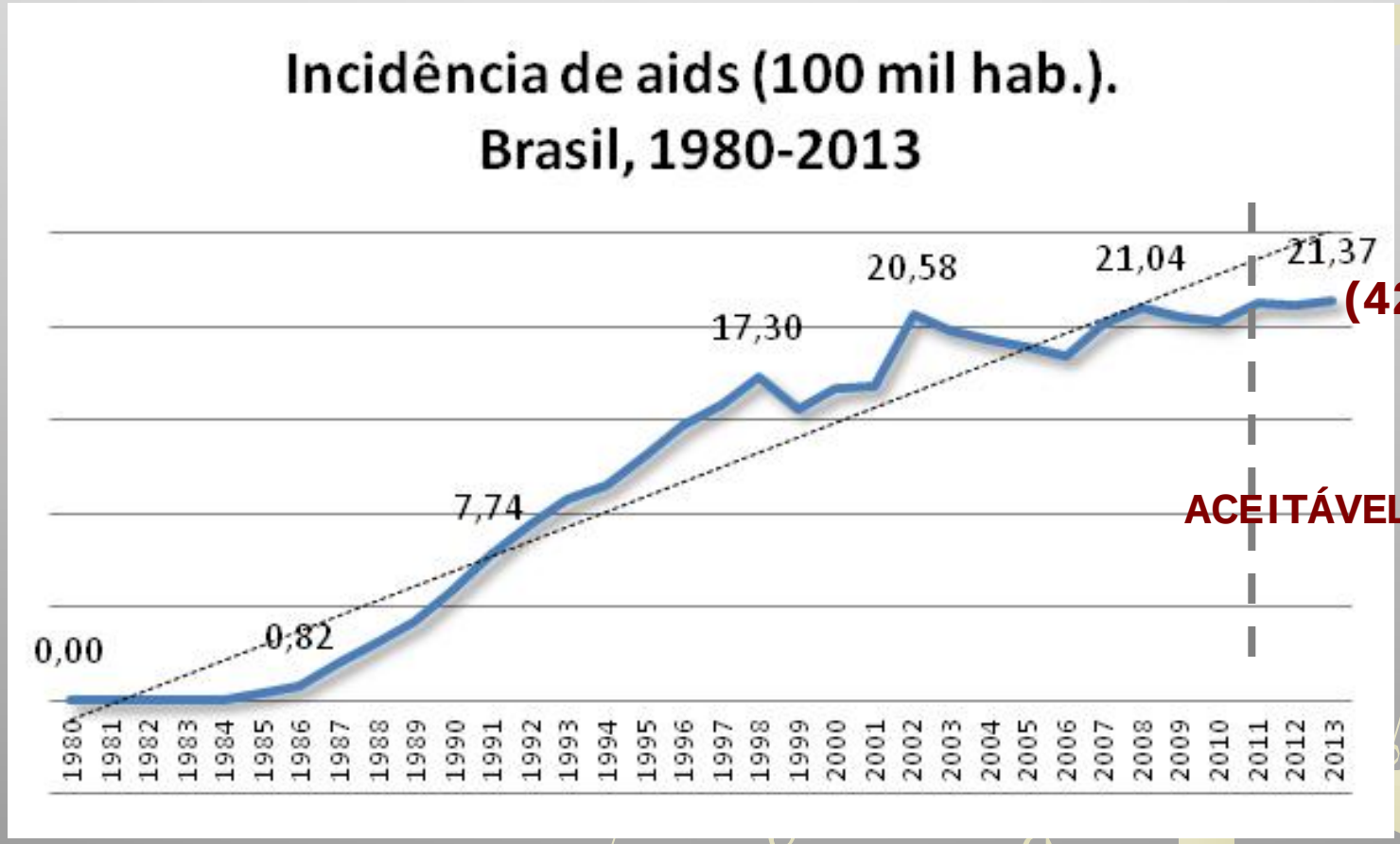
Epidemia concentrada, alta prevalencia , acesso a ART. Violencia de clientes e da policia

Alto nível de abuso sexual e violência policial. Pouco acesso à camisinha.
Epidemia concentrada, sem AR

Baixa prevalência. Prevençao combianda e trabalho anterior ja tinha diminuido a violencia.

Shannon K, Lancet, 2014

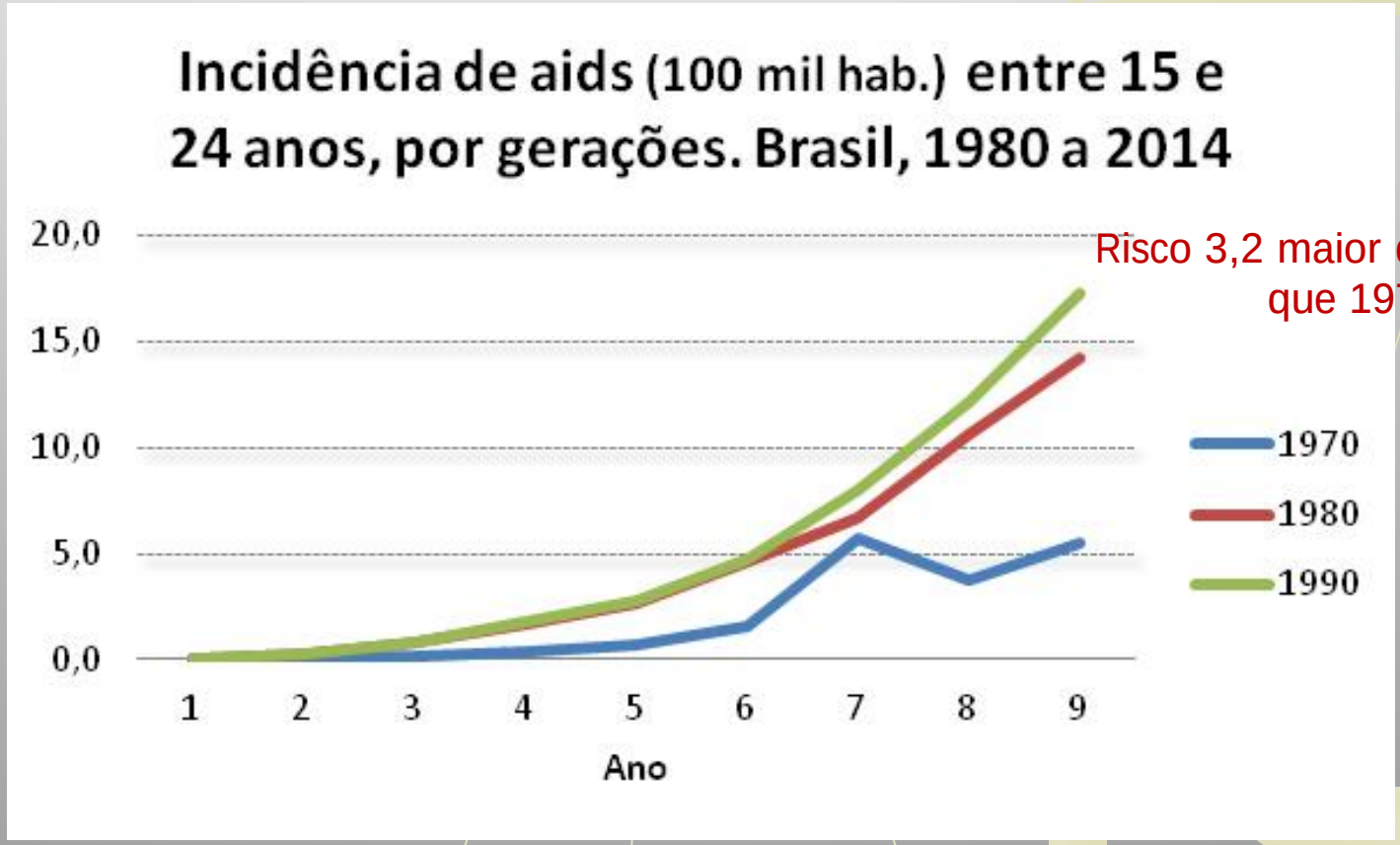
No brasil



(42,9 mil caso

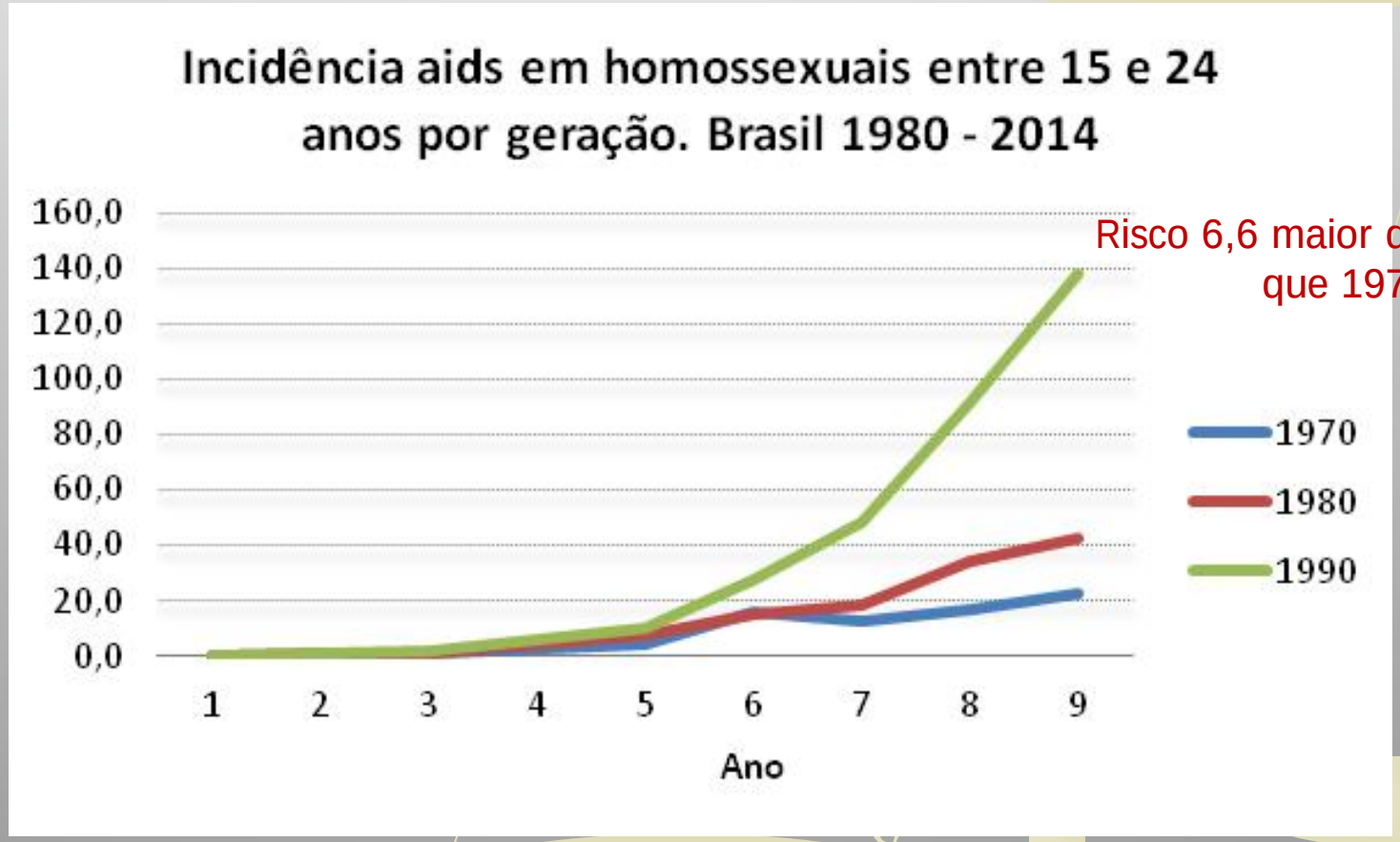
ACEITÁVEL?

Boletim Aids, MS, 2014. Correção para atraso de registro de 2,5% em 2012 e de 8,8%



Risco 3,2 maior do que 1970

Banco relacionado DN/MS, 2014



Risco 6,6 maior do que 1970

Banco relacionado DN/MS, 2014. Consierando 3,1% de homossexuais na populaçao

Algumas populações são desproporcionalmente afetadas

- Profissionais do sexo: 6,2%* / 4,8%**
- HSH: 13,6%* / 14,2%***
- Usuários de Drogas: 23,1%* / 5,9****
- Moradores de rua: 5,0%****

* Metanálise (Malta M, et al. BMC Public Health 2010, 10:317); ** Szwarcwald CL, et al. J Acquir Immune Defic Syndr 2011, Suppl 3:S129-35; *** Kerr L, et al. AIDS 2013, 27:427-435;****Grangeiro A, et al. RSP 2012, 46(4))

Violação e Negligência de DH no acesso a direitos à não discriminação & à saúde integral.

- Sem material contra discriminação sexual, de gênero e homofobia
- Campanhas eliminadas
- Trabalho nas escolas diminui e pais abandonados e diretores impressionados pela pregação
  - Diminuição das iniciativas e projetos de prevenção e escolares

Pastores, Clérigos são muito # de fiéiS!!!

Pastores, Clérigos são muito # de fiéis...

Pesquisa escolas em 2013-2014

- Há diferença entre religiões e religiosidades só nas opiniões e não nas práticas!
- Pais cristãos e não cristãos apoiam e ficam felizes com prevenção nas escolas
- Escola que abandonou: casos de gravidez

Pastores, Clérigos são muito # de fiéis...

Pesquisa escolas Ensino Médio em 2013-2014

Sem diferença entre religiosidades

Idade Média de Inicio da Vida Sexual: 14,6

Uso de camisinha na 1ª relação sexual: 69,0

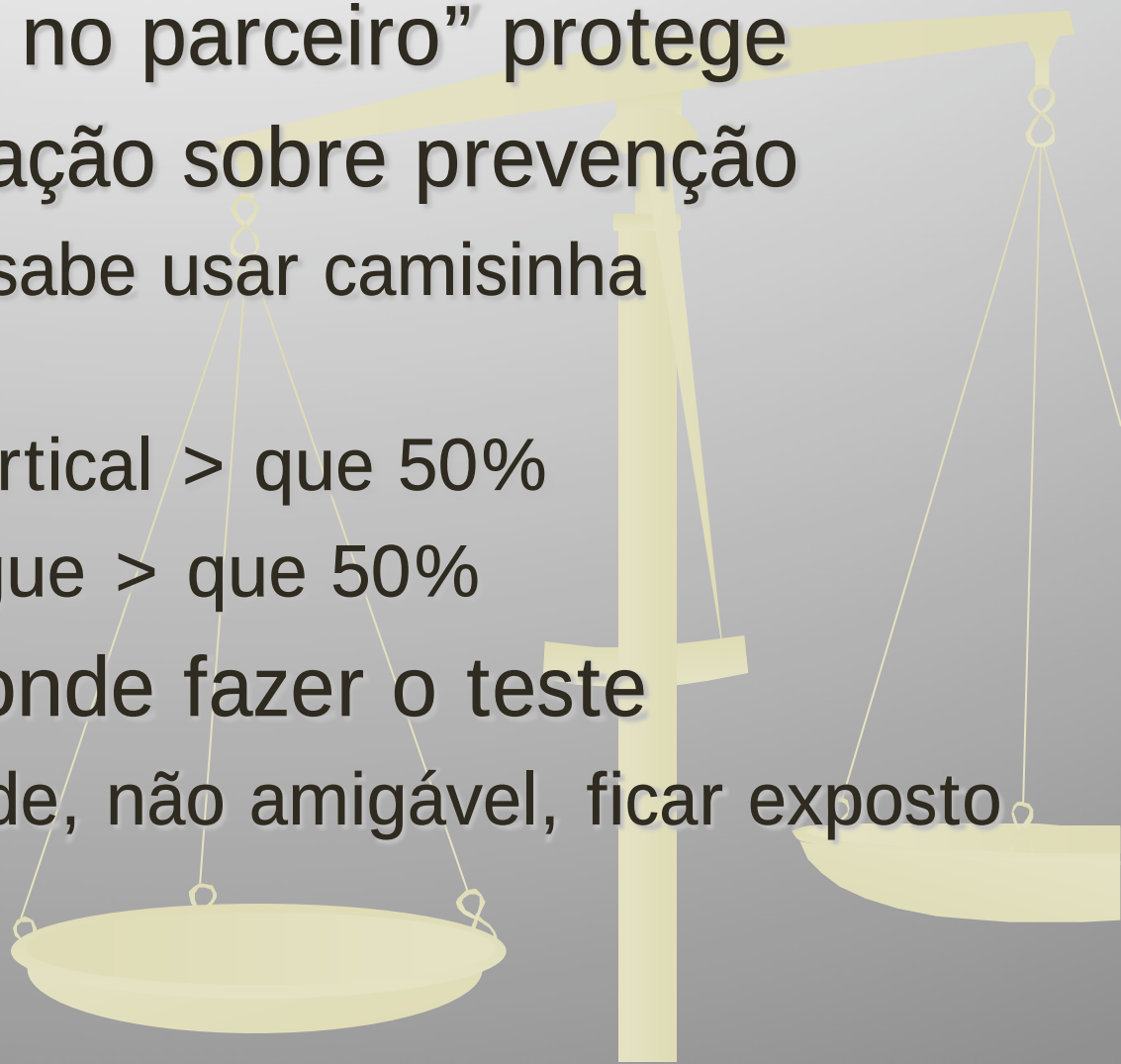
Última relação sexual com mm sexo: 11,0

Sobre prevenção da aids

- Concordância com educação sexual ofertada pelas escolas: 97%.
- Idade (mediana) em que se deve iniciar a educação sexual nas escolas: 12 anos (variando entre 9 e 14 anos).
- 93% “camisinha protege”

Sobre prevenção da aids

- 42% “confiança no parceiro” protege
- Erros de informação sobre prevenção
  - 20 - 40% não sabe usar camisinha corretamente
  - Transmissão vertical > que 50%
  - Seringas e sangue > que 50%
- 41% não sabe onde fazer o teste
  - Confidencialidade, não amigável, ficar exposto



SEM DIFERENÇA ENTRE RELIGIOSIDADES

Atos sexuais forçados sem penetração.

	%
Sim, uma vez	9,8
Sim, poucas vezes	10,2
Sim, muitas vezes	1,9
Não	78,2
Total	100,0

SEM DIFERENÇA ENTRE RELIGIOSIDADES

Atos sexuais forçados com penetração.

	%
Sim, uma vez	5,7
Sim, poucas vezes	3,6
Sim, muitas vezes	1,5
Não	89,3
Total	100,0

SEM DIFERENÇA ENTRE RELIGIOSIDADES

Ter sido forçado(a) a prática sexual degradante ou humilhante.

	%
Sim, uma vez	3,9
Sim, poucas vezes	1,5
Sim, muitas vezes	1,1
Não	93,6
Total	100,0

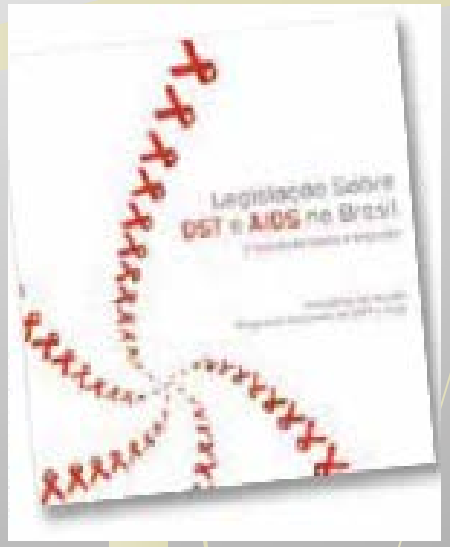
Obrigações em Direitos Humanos

Estado cumpriu?
obrigação de

Respeitar	Proteger	Promover
abster-se de interferir no exercício do direito	evitar que outros interferiram no exercício do direito	adotar medidas apropriadas visando o pleno exercício do direito

DISQUE SAÚDE
0800 61 1997
MINISTÉRIO DA SAÚDE
MAIS ATENÇÃO A VOCÊ
FAÇA O PRÉ-NATAL E EXIJA
OS EXAMES DE SÍFILIS E AIDS.
O tratamento é um direito seu e do seu bebê.
Ministério
da Saúde
BRASIL
UM PAÍS DE TODOS
GOVERNO FEDERAL

Exija o teste para aids
e sífilis no pré-natal.
É um direito seu
e do seu bebê.



responsabilização

“Humanidade"

- Somos todos e todas iguais em

dignidade

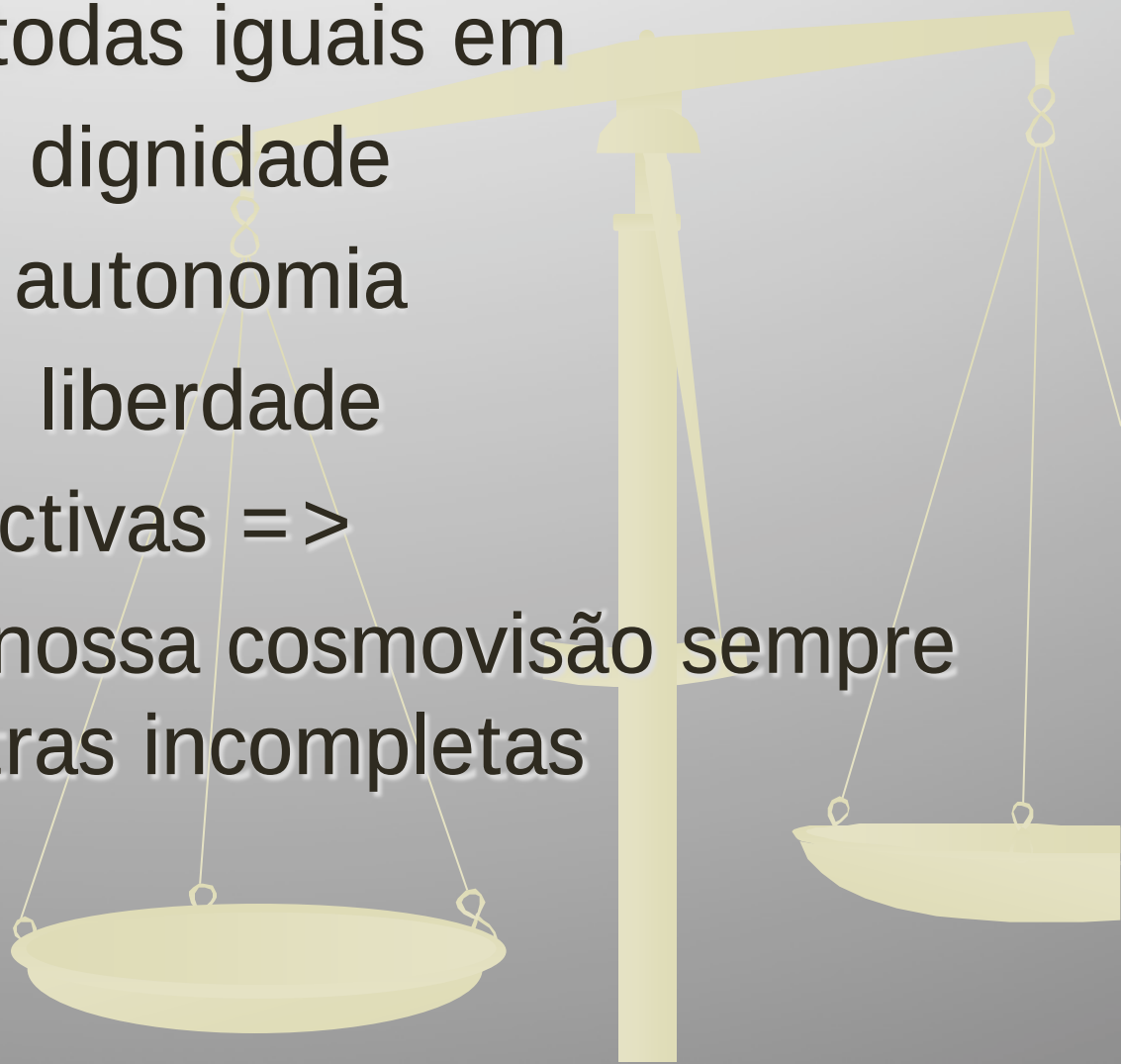
autonomia

liberdade

- Diversas perspectivas =>

"Consideramos a nossa cosmovisão sempre a melhor & as outras incompletas

[5] Boaventura S. Santos



Abordagem multicultural dos DDHH

B. Sousa Santos

- Todas as culturas aspiram validar seus valores
- Cada cultura é sempre incompleta na perspectiva de outras

- Defender a igualdade sempre que a diferença gerar inferioridade e defender a diferença sempre que a igualdade implicar em descaracterização

THE UNIVERSAL DECLARATION OF Human Rights

WHEREAS *recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,*

WHEREAS *disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,*

WHEREAS *it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,*

WHEREAS *it is essential to promote the development of friendly relations among nations,*

WHEREAS *the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,*

WHEREAS *Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,*

WHEREAS *a common understanding of these rights and freedoms is of the greatest importance for the full realisation of this pledge,*

NOW THEREFORE THE GENERAL ASSEMBLY

PROCLAIMS *this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.*

ARTICLE 1 —All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

ARTICLE 2 —1. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether this territory be an independent, trust, non-Self-Governing territory, or under any other limitation of sovereignty.

ARTICLE 3 —Everyone has the right to life, liberty and the security of person.

ARTICLE 4 —No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

ARTICLE 5 —No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

ARTICLE 6 —Everyone has the right to recognition everywhere as a person before the law.

ARTICLE 7 —All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

ARTICLE 8 —Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

ARTICLE 9 —No one shall be subjected to arbitrary arrest, detention or exile.

ARTICLE 10 —Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

ARTICLE 11 —1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

ARTICLE 12 —No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

ARTICLE 13 —1. Everyone has the right to freedom of movement and residence within the borders of each state.
2. Everyone has the right to leave any country, including his own, and to return to his country.

ARTICLE 14 —1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

ARTICLE 15 —1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

ARTICLE 16 —1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

ARTICLE 17 —1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

ARTICLE 18 —Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

ARTICLE 19 —Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

ARTICLE 20 —1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

ARTICLE 21 —1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

ARTICLE 22 —Everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international co-operation and in accordance with the organisation and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

ARTICLE 23 —1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration insuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

ARTICLE 24 —Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

ARTICLE 25 —1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

ARTICLE 26 —1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

ARTICLE 27 —1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

ARTICLE 28 —Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

ARTICLE 29 —1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

ARTICLE 30 —Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Adopted by the United Nations General Assembly at its 183rd meeting, held in Paris on 10 December 1948

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UNITED NATIONS

OBRIGADA!

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